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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,797	11/17/2003	Ronald E. Drake SR.	438 P 1064	2943
28264	7590	06/29/2005	EXAMINER	
BOND, SCHOENECK & KING, PLLC			NGUYEN, TU T	
ONE LINCOLN CENTER			ART UNIT	
SYRACUSE, NY 13202-1355			PAPER NUMBER	

2877

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/714,797

Applicant(s)

DRAKE ET AL.

Examiner

Tu T. Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/17/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Abstract***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The abstract in this application has more than 150 words.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4-6,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boscher et al (6,366,347).

With respect to claims 1,9, Boscher discloses a system for determining the amount of cross talk of an optical fiber bundle. The system comprises: at least one

optical fiber 12 (fig 1) interconnected to a light source 110 (fig 1); at least one parasitic fiber 14 (fig 1) positioned adjacent to said at least one optical fiber for receiving and transmitting light received from said at least one optical fiber (abstract); and a detector 150 (fig 1) coupled to said at least one parasitic fiber 14 (fig 1) for measuring the amount of light (EMR) transmitted thereby (column 2, lines 48-53).

Boscher does not explicitly disclose determining the amount of light output from the fiber cable as claimed. However, Boscher discloses that by measuring the power received at the means 160 (fig 1), it is possible to determine the power coupled between the cores 12 and 14 (column 2, lines 45-55). It would have been obvious that by knowing the power coupled between the cores 12, 14 (fig 1), the claimed amount of light outputting from the fiber could be calculated.

With respect to claims 4-5, it would have been obvious a design choice to alter the index of refraction of the fibers as claimed for different testing purposes.

With respect to claim 6, Boscher discloses locating the detector 150 (fig 1) adjacent to the light source 110 (fig 1).

Claims 2-3,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boscher et al (6,366,347) in view of Schopper et al (5,452,076).

With respect to claims 2,10, Boscher discloses the claimed apparatus. However, Boscher does not disclose a circuitry for adjusting the intensity of the light source.

Schopper disclose a system comprising: a circuitry 23 (fig 1) for controlling the output the light source 26 (fig 1) based on the detector 28 (fig 1) (column 14, lines 65-68). It would have been obvious to modify Boscher with the circuitry taught by Schopper to adjust the output power of the fiber cable to any desired level to use the system in different testing situations.

With respect to claim 3, the claimed ferrule would have been known in the art. It would have been obvious to modify Boscher with the claimed ferrule to joint the fibers to reduce the connection loss.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boscher et al (6,366,347) in view of Meltz et al (4,295,738).

With respect to claim 7, Boscher does not disclose the position of the detector as claimed. Meltz disclose a detector 24 (fig 1) positioned at an end of the fiber 10 (fig 1). It would have been obvious to modify Boscher to locate the detector at the location taught by Meltz to use the system in different environments.

With respect to claim 8, Meltz discloses using a plurality of parasitic fibers 62-66 (fig 6). It would have been obvious to modify Boscher with a plurality of parasitic fibers as claimed to facilitate the measuring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley Jr. can be reached on (571) 272-2800 Ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu T. Nguyen  
Primary Examiner  
Art Unit 2877

06/22/2005